

General Rules



General Rules

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GENERAL RULES ("GR")

GR 1.1 Title; Effective Date; Scope.

(a) Title. These are the Local Rules of Practice for the District Court of Guam. They may be cited as "GR" (General Rules), LR (Civil Rules), LAR (Local Admiralty Rules), LHCR (Local Habeas Corpus Rules), LTR (Local Tax Rules), and LBR (Local Bankruptcy Rules).

(b) Effective Date; Transitional Provision. These rules govern all actions and proceedings pending on or commenced after April 15, 1997. Where justice requires, a judge may order that an action or proceeding

pending before the Court prior to that date be governed by the prior practice of the Court.

(c) Scope of the Rules: Construction. These Rules supplement the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the National Bankruptcy Rules. These Rules shall be construed so as to be consistent with the Federal Rules and to promote the just, efficient and economical determination of every action and proceeding. The provisions of the General Rules shall apply to all actions and proceedings, including civil, tax, criminal, admiralty and bankruptcy, except where they may be inconsistent with rules or provisions of law specifically applicable thereto.

(d) Definitions.

(1) The word "Court" refers to the District Court of Guam, and not to any particular judge of the Court.

(2) The word "judge" refers to any United States District Judge or any designated judge exercising jurisdiction with respect to a particular action or proceeding in said court, or to a part-time or full-time United States Magistrate Judge, to whom such action or proceeding has been assigned for purposes relevant to the context in which such reference occurs.

(3) The word "clerk" means the Clerk for the District Court of Guam and deputy clerks, unless the context otherwise requires.

(4) The "Pacific Daily News", a newspaper of general circulation published in Hagåtña, Guam, is designated the official newspaper of the Court. Unless otherwise provided by order, every notice required to be published shall be published in the "Pacific Daily News."

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GR 2.1 Sanctions and Penalties for Noncompliance.

(a) Violation of Rule. The violation of or failure to conform to any of these Local Rules, the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, Federal Rules of Appellate Procedure, the Admiralty Rules, and the Bankruptcy Rules shall subject the offending party or counsel to such penalties, including monetary sanctions and/or the imposition of costs and attorneys's fees to opposing counsel, as the Court may deem appropriate under the circumstances.

(b) Failure to Appear or Prepare. Failure of counsel for any party to take any of the following steps may be deemed an abandonment or failure to prosecute or defend diligently by the defaulting party:

(1) Complete the necessary preparation for pretrial;

(2) Appear at the scheduling conference or pretrial conference;

(3) Be prepared for trial on the date set; or

(4) Appear at any hearing where service of notice of the hearing has been given or waived.

Judgment may be entered against the defaulting party either with respect to a specific issue or on the entire case.

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GR 3.1 Stipulations.

- (a) Stipulations will be recognized as binding only when made in open court or filed in the cause. Written stipulations shall not be effective unless approved by the Judge.
- (b) A stipulation shall contain the words "Approved and So Ordered," and a blank line for the date and a designated signature line for the Judge. The Judge's signature line must appear on the same page as the signature of at least one of the attorneys entering into the stipulation.
- (c) Any stipulation which extends time or provides for a continuance shall contain the reason for the change of date.

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GR 4.1 Citation of Authority.

- (a) Parties shall provide this Court with a copy of any case or other authority which they cite or rely upon and which is unavailable in either this Court's library or the Guam Territorial Law Library.
- (b) All citations shall be in the form found in A Uniform System of Citation (16th ed.), identifying the court cited, and enabling both the Court and opposing counsel to locate the cited work.

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GR 5.1 Format and Filing.

- (a) Form; Copy. All papers presented for filing shall be on white opaque paper of good quality, eight and one-half inches by eleven inches (8 ½ x 11) in size, and shall be flat, unfolded (except where necessary for the presentation of exhibits), without back or cover and shall comply with all other applicable provisions of these Rules. All pages shall be numbered consecutively at the bottom and firmly bound at the upper left-hand corner. In addition to the original, a legible conformed copy of all documents, except certificates of service, summons, subpoenas and notices of depositions, shall be filed for the judge's use. Matter shall be presented by typewriting, printing, or other clearly legible reproduction process, and shall appear on one side of each sheet only. Facsimile reproductions are not acceptable. All papers shall be double-spaced except for the identification of counsel, title of the case, footnotes, quotations, and exhibits. No facsimile filings shall be accepted as the original for filing unless the party seeking to file by facsimile has secured the permission of the Court to file by facsimile by motion to the Court.
- (b) Format. The title of the Court shall be centered and commence not less than three inches from the top of the page.
- (c) Title Page. The first page of every document shall contain the following information which may be single spaced:
 - (1) The name, address and telephone number of the attorney appearing for a party in an action or individual appearing pro se and for whom the attorney appears shall be printed or typewritten in the upper left-hand corner. The space to the right of the page's center shall be reserved for the clerk's filing stamp.

(2) Below and to the left of the title of the Court, the title of the action or proceeding shall be inserted. In a complaint, the title of the proceeding shall contain the names of all parties and in the event that the parties are too numerous for all to be named on the first page, the names of the parties may be carried onto successive page(s). In all papers other than a complaint, the title of the proceeding may be appropriately abbreviated.

(3) In the space to the right of the title of the action, the following shall appear:

(A) the file number of the action or proceeding;

(B) a designation of the action or proceeding as civil, criminal, bankruptcy, or adversary;

(C) a brief description of the nature of the document; and

(D) mention of any notice of motion or affidavits or memorandum in support.

(4) Cover Sheets. All documents initiating civil, criminal and adversary proceedings shall be accompanied by the appropriate cover sheet, which shall be fully completed and executed. Cover sheets are available upon request at the Clerk's Office. Persons in the custody of state or federal institutions and pro se litigants are exempt from the requirements of this subdivision.

(d) Typed Names Below Signature Lines. Names shall be typed below signatures on all pleadings and documents filed.

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GR 6.1 Continuances.

No continuance shall be granted merely on the stipulation of the parties. If the Court is satisfied that counsel are preparing the case with diligence and additional time is required to comply with these Rules, the parties may move the Court to extend the dates for the obligations imposed under these Rules, upon submission of a timely stipulated motion signed by all counsel setting forth the reasons for the requested continuance. No continuance will be granted unless the stipulation has been lodged before the date upon which the act was to have been completed under this Rule.

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GR 7.1 Clerk of Court.

(a) Location and Hours.

(1) The Office of the Clerk of this Court shall be located at 520 West Soledad Avenue, Fourth Floor of the U.S. Courthouse, Room 460, in Hagåtña, Guam. The mailing address is 4th Floor, U.S. Courthouse, 520 West Soledad Avenue, Hagåtña, Guam 96910. The regular hours shall be from 8:00 a.m. to 3:00 p.m. each day except Saturdays, Sundays, legal holidays and other days or at times so ordered by the Court. Nothing in this Rule precludes the filing of papers as provided in Rule 77, Federal Rules of Civil Procedure.

(2) Pleadings to be filed between 3:00 p.m. and 5:00 p.m. on a business day may be deposited with the Court Security Officer on duty. Documents submitted in this manner must be placed in a protective envelope. These documents will be reviewed each business day morning at 8:00 a.m. and will be stamp filed as of the prior

business day date unless the required filing fee is not included. Filed copies will be available for pick up at the Clerk's Office the following business day morning after 9:30 a.m.

(b) Court Calendar. The clerk shall, not later than Friday of each week, distribute to all counsel of record and the Clerk of the Superior Court of Guam, and post on the bulletin board of the District Court, copies of the court's calendar for the following week.

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GR 8.1 Deposits in Court - Responsibility of the Clerk.

(a) Order of Deposit: Interest-Bearing Account. Whenever the Court orders that money deposited into Court shall be deposited by the clerk in an interest-bearing account, the party seeking the order shall forthwith personally serve a copy of such order upon the Clerk of Court or the Chief Deputy Clerk.

(b) Order of Deposit - Failure to Serve. Failure of the party seeking an order of deposit to an interest-bearing account to personally serve the Clerk of Court or Chief Deputy Clerk with a copy of the order shall release the Clerk of Court from any liability for loss of interest upon the money subject to the order of deposit.

(c) Deposit of Money - FDIC or FSLIC Institution. Unless otherwise ordered by the Court, the clerk shall deposit money pursuant to an order of deposit in any institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. The clerk may also invest such money in United States treasury bills.

(d) Prompt Deposit of Money. The clerk shall deposit the money pursuant to an order of deposit as soon as practicable following service of a copy of the order by the party seeking the order.

(e) Forms of Standard Orders of Deposit. The following forms of standard orders shall be used for deposit of registry funds into interest-bearing accounts:

(1) IT IS ORDERED that the clerk deposit the amount of \$_____ in an interest-bearing account, said funds to remain on deposit pending further order of the Court.

IT IS FURTHER ORDERED that counsel presenting this order personally serve a copy thereof on the Clerk of Court or the Chief Deputy Clerk. Absent the aforesaid service, the Clerk of Court is hereby relieved from any personal liability relative to compliance with this order. (NOTE: To comply with this order, the clerk will determine the particular banking institution and type of account to be utilized. Generally, the account will be a passbook account.)

(2) IT IS ORDERED that the clerk deposit the amount of \$_____ in a (specify type of account and term, i.e., sixty (60) day time certificate, treasury bill, passbook, etc.) at (name and address of bank or savings and loan) said funds to remain on deposit pending further order of the Court.

IT IS FURTHER ORDERED that [name(s) and address(es)] is/are the designated beneficiary or beneficiaries, and [name(s) and address(es)] is/are the custodian or custodians of the passbook or certificate of deposit. The form of additional collateral to be posted by the private institution in the event that the standard FDIC or FSLIC coverage is insufficient to insure the total amount of deposit is (state form of additional collateral).

IT IS FURTHER ORDERED that counsel presenting this order personally serve a copy thereof on the Clerk of

Court or the Chief Deputy Clerk. Absent the aforesaid service, the Clerk of Court is hereby relieved of any personal liability relative to compliance with this order.

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GR 9.1 Sessions of Court.

The District Court of Guam shall be in continuous session in Hagåtña, Guam.

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GR 10.1 Motion Day.

All civil and bankruptcy motions shall be called on Friday of each week at 9:30 a.m. and all criminal motions shall be called on Friday of each week at 1:30 p.m., unless the Court orders otherwise. If Friday is a legal holiday, the preceding Thursday will be that week's civil, bankruptcy, and criminal motion day.

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GR 11.1 Fee Schedule.

The Fee Schedule will be issued and updated by the Clerk of Court on a regular basis.

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GR 12.1 Correspondence and Communications with the Court.

Attorneys or parties to any action or proceeding should refrain from writing letters to the judge, or otherwise communicating with the judge unless opposing counsel is present. All matters to be called to a judge's attention should be formally submitted as herein provided.

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GR 13.1 Court Library.

The Court maintains a law library for the primary use of judges and personnel of the Court. In addition, attorneys and pro se litigants may use the library. The library is operated in accordance with such Rules and regulations as the Court may from time to time adopt.

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GR 14.1 Files; Custody and Withdrawal.

All files of the court shall remain in the custody of the clerk and no record or paper belonging to the files of the court shall be taken from the custody of the clerk without a special order of a judge and a proper receipt signed by the person obtaining the record or paper. No such order will be made except in extraordinary circumstances.

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GR 15.1 Pretrial and Trial Publicity.

(a) Broadcasting, Televising, Recording or Photographing Judicial and Grand Jury Proceedings. The taking of photographs, operation of tape recorders or radio or television broadcasting in the courtroom, grand jury room, and their environs (i.e., the third and fourth floors of the U.S. Courthouse; and the hallways and public areas leading to, and the hearing, waiting, or witness rooms utilized by the Grand Jury) during the progress of or in connection with any proceeding, including proceedings before a United States Grand Jury, whether or not actually in session, is prohibited.

A judge may, however, permit (1) the use of electronic or photographic means for the presentation of the evidence or the perpetuation of a record by a court reporter and, (2) the broadcasting, televising, recording or photographing of investiture, ceremonial, or naturalization proceedings. Attorneys for the United States may use recording devices to present evidence to a grand jury.

(b) Publicity. The Court personnel, including but not limited to marshals, clerks and deputies, law clerks, secretaries, messengers, interpreters and court reporters, shall not disclose to any person information relating to any pending proceeding that is not part of the public records of the Court without specific authorization of the Court.

(c) Officers of this Court. In criminal cases or proceedings before any judge of this Court, prosecuting attorneys and defense counsel, as officers of this Court, and their associates, assistants, agents, enforcement officers and investigators, shall refrain from making, or advising or encouraging others to make to, for, or in the press, or on radio, television or other news media, statements concerning the parties, witnesses, merits of cases, probable evidence, or other matters which are likely to prejudice the ability of either the government or the defendant to obtain a fair trial.

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GR 16.1 Security of the Court.

The Court, or the judges thereof, may from time to time make such orders or impose such requirements as may be reasonably necessary to assure the security of the Court and of all persons in attendance.

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GR 17.1 Attorneys - Admission to the Bar of this Court - Duties.

(a) Admission to Practice. Admission to and continuing membership in the bar of this Court is limited to attorneys of good moral character who are active members in good standing of the Territorial Bar of Guam. All members admitted to practice before this Court must file an "Attorney Registration Statement" in a form attached hereto as [Attachment](#) "GR 17.1A."

(b) Procedure for Admission. Each applicant for admission shall present to the clerk a written petition for admission stating the applicant's full name, residence address, office address, the names of the courts before which the applicant is admitted to practice, and the respective dates of admission to those courts.

(1) The petition shall be accompanied by:

(A) a certificate from the Supreme Court of Guam evidencing the fact that the applicant is an active member in good standing of the Territorial Bar,

(B) a certificate of a member of the bar of this Court, stating that he knows the applicant and can affirm that he is of good moral character, and

(C) an order for admission to be signed by the judge. (Copies of the petition for admission and order of admission shall be supplied by the clerk upon request.)

(2) Upon qualification, the Clerk or his authorized deputy shall administer the following oath of admission to the applicant:

"I solemnly swear that I will support the Constitution of the United States, the Organic Act of Guam, the applicable statutes of the United States and the laws of the territory of Guam; That I will maintain the respect due to the Courts of Justice and Judicial Officers and that I will demean myself uprightly as an attorney at law; And to abide by the Code of Professional Responsibility of the American Bar Association."

(3) Before the clerk is authorized to issue a certificate of admission to the applicant, the applicant must:

(A) sign the prescribed oath;

(B) sign the roll of attorneys; and

(C) pay an attorney admission fee of \$100.00 made payable to Clerk, District Court of Guam.

(4) Any attorney so admitted and any attorney previously admitted who would now be eligible for admission under subsection (a) of this Rule shall be deemed to be an active member of the Bar of this Court.

(c) Attorneys for the United States. Any attorney who is not eligible for admission under paragraph (b) hereof, but who is a member in good standing of, and eligible to practice before, the bar of any United States Court or of the highest court of any State, or of any Territory or Insular Possession of the United States and who is of good moral character, may practice in this Court in any matter in which he is employed or retained by the United States or its agencies and is representing the United States or any of its officers or agencies. Attorneys so permitted to practice in this Court are subject to the jurisdiction of the Court with respect to their conduct to the same extent as members of the bar of this Court.

(d) Pro Hac Vice. An attorney who is not eligible for admission under paragraph (b) hereof, but who is a member in good standing of, and eligible to practice before, the bar of any United States Court or of the highest court of any State or of any Territory or Insular Possession of the United States, who is of good moral character, and who has been retained to appear in this Court, may, upon written application and in the discretion of the Court, be permitted to appear and participate in a particular case.

(1) Unless authorized by the Constitution of the United States or Acts of Congress, an attorney is not eligible to practice pursuant to this paragraph (d) if any one or more of the following apply to him:

(A) he resides in Guam,

(B) he is regularly employed in Guam, or

(C) he is regularly engaged in business, professional or other activities in Guam.

(2) The pro hac vice application shall be presented to the clerk and shall state under penalty of perjury;

(A) the attorney's residence and office addresses,

(B) by what court he has been admitted to practice and the date of admission,

(C) that he is in good standing and eligible to practice in said court,

(D) that he is not currently suspended or disbarred in any other court, and

(E) if he has concurrently or within the year preceding his current application made any pro hac vice applications to this Court, the title and the number of each matter wherein he made application, the date of application, and whether or not his application was granted. He shall also designate in his application an active member in good standing of the bar of this Court as required by subsection (e) of this Rule, with whom the Court and opposing counsel may readily communicate regarding the conduct of the case and upon whom papers shall be served.

(3) The pro hac vice application shall also be accompanied by payment to the clerk of a \$100.00 fee, (payable to Clerk, District Court of Guam). If the pro hac vice application is denied, the Court may refund any or all of the fee or assessment paid by the attorney. If the application is granted, the attorney is subject to the jurisdiction of the Court with respect to his conduct to the same extent as a member of the bar of this Court.

(e) Designation of Local Counsel. An attorney applying to practice before this Court under subsection (d) of this Rule, shall designate an attorney who is an active member in good standing of the Bar of this Court, who resides in and has an office in this District, as co-counsel. He shall file with such designation the address, telephone number, and written consent of such designee. The associated local attorney shall at all times meaningfully participate in the preparation and trial of the case with the authority and responsibility to act as attorney of record for all purposes. Any document required or authorized to be served on counsel by all Federal Rules or by these Rules, shall be served upon the associated local counsel. Service upon associated local counsel shall be deemed proper and effective service unless excused by the judge. Local counsel shall attend all proceedings related to the case before this Court for which counsel is associated unless excused by this court.

(f) Government of Guam Attorneys. Any attorney employed by the Office of the Attorney General, Public Defender Service Corporation of Guam, or Guam Legal Services Corporation, who is not eligible under paragraph (b) hereof, may be temporarily admitted to practice in the District Court of Guam. Each applicant for temporary admission shall present to the clerk a written petition for temporary admission, stating the applicant's full name, residence address, office address, the names of the courts before which the applicant is admitted to practice, and the respective dates of admission to those courts.

(1) The petition for temporary admission shall be accompanied by:

(A) a certified copy of the applicant's order for temporary admission to practice law in the Territory of Guam;

(B) a certificate of a member of the bar of this Court, stating that he knows the applicant and can affirm that he is of good moral character, and

(C) an order for temporary admission to be signed by the judge.

(2) Upon qualification, the applicant must pay the Attorney Admission Fee of \$100.00 (payable to the Clerk, District Court of Guam) and the clerk or his authorized deputy shall administer the oath of admission set forth in paragraph (b)(2) hereof, and have the applicant sign the prescribed oath.

(3) Government of Guam Attorneys temporarily admitted to practice in this Court are subject to the jurisdiction of the Court with respect to their conduct to the same extent as members of the bar of this Court. Upon termination of employment with the Government of Guam, the government attorney so temporarily admitted shall notify, in writing, the clerk of the District Court of Guam of such termination. Once notified, the clerk shall strike the temporarily admitted government attorney from the roll of attorneys. If the temporarily admitted attorney meets the requirements for full admission while still employed as an attorney for the Government of Guam, and complies with all of the requirements set forth in subsection (b) herein, the \$100.00 permanent admission fee will be waived.

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GR 18.1 Practice in this Court; Dress Code.

(a) Active Member. Only an active member of the bar of this Court or an attorney otherwise authorized by these Rules to practice before this Court may enter appearances for a party, sign stipulations or receive payment or enter satisfaction of judgment, decree or order. Nothing in these Rules shall prohibit any individual appearing in propria persona.

(b) Courtroom Attire. All attorneys appearing in open court shall be suitably dressed. Minimum acceptable dress for male practitioners shall consist of a dress shirt, necktie, dress slacks, socks and shoes. The Court may refuse to hear attorneys whose appearance does not conform to this Rule. This Rule applies on all business days that the court is in session.

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GR 19.1 Appearances, Substitutions and Withdrawal of Attorneys.

(a) Appearances. Whenever a party has appeared by an attorney, the party may not thereafter appear or act in his or her own behalf in the action, or take any step therein, unless an order of substitution shall first have been made by the Court, after notice to the attorney of such party, and to all other parties; provided, that the Court may in its discretion hear a party in open court, notwithstanding the fact that the party has appeared, or is represented by an attorney.

(b) Substitutions. When an attorney of record for any reason ceases to act for a party, such party shall appear in person or appoint another attorney either:

(1) by a written substitution of attorney signed by the party, the attorney ceasing to act, and the newly appointed attorney; or

(2) by a written designation filed in the cause and served upon the attorney ceasing to act, unless said attorney is deceased, in which event the designation of a new attorney shall so state.

Until such substitution is approved by the Court, the authority of the attorney of record shall continue for all proper purposes.

(c) Withdrawals. An attorney may withdraw from an action or proceeding only by leave of court for good cause shown, and after serving written notice reasonably in advance to the client and to all other parties who have appeared in the case. Leave to withdraw may be granted subject to the condition that subsequent papers may continue to be served on counsel for forwarding purposes or on the clerk of the Court, as the judge may direct, unless and until the client appears by other counsel or in propria persona, and any notice to the client shall so state and any filed consent of the client shall so acknowledge. The authority and duty of counsel of record shall continue until relieved by order of a judge issued hereunder.

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GR 20.1 Persons Appearing Without an Attorney - In Propria Persona.

Any person who is representing himself or herself without an attorney must appear personally for such purpose and may not delegate that duty to any other person, including husband or wife, or another party on the same side appearing without an attorney. Any person so representing himself or herself without an attorney is bound by these Rules, and by the Federal Rules. Failure to comply therewith may be grounds for dismissal or judgment by default. A corporation may not appear pro se in a case in this Court.

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GR 21.1 Attorneys in Private Practice.

Any attorney in private practice who has set up a law firm shall, upon formation of his firm, file a statement with the clerk indicating the name of the firm, the names of all associates of the firm, the office and mailing address and telephone number. Similarly, those attorneys in private practice who form a partnership or corporation shall, upon formation of such partnership or corporation, file a statement with the clerk, indicating the name of the partnership or corporation, the names of all partners and associates of the firm, the office and mailing address and telephone number.

In the event a partner or associate shall withdraw, or a new partner or associate shall join a firm, or there shall be any change in the firm name, office or mailing address, a certificate shall thereupon be filed with the clerk setting forth the effective date of the change, the name of all withdrawing or joining partners and associates, and the new firm name and address.

In the event of the dissolution of a law firm, a certificate shall be filed with the clerk setting forth the date of dissolution, and in the event that all partners withdraw from practice, the names and office addresses of the member or members of the Bar of this Court who are handling the termination of matters on behalf of the former firm.

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GR 22.1 Attorneys - Standard of Conduct and Disciplinary Enforcement.

(a) The Standing Committee on Discipline. The Court will appoint from time to time, by an order, a "Standing Committee on Discipline" consisting of five members of the bar and will designate one of the members to

serve as Chairman of the Committee. The members of the committee shall continue in office for a period of three years or until further order of the judge.

(b) Attorneys Convicted of Crimes.

(1) Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted in any court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States of a serious crime as hereinafter defined, the Court shall enter an order immediately suspending that attorney, whether the conviction resulted from a plea of guilty, or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall immediately be served upon the attorney. Upon good cause shown, the Court may set aside such order when it appears in the interest of justice to do so.

(2) The term "serious crime" shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a "serious crime."

(3) A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

(4) Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the Court shall, in addition to suspending that attorney in accordance with the provisions of this Rule, also refer the matter to the Standing Committee on Discipline for the institution of a disciplinary proceeding before the Court in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded.

(5) Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a "serious crime," the Court may refer the matter to the Standing Committee on Discipline for whatever action the Committee may deem warranted, including the institution of a disciplinary proceeding before the Court; provided, however, that the Court may in its discretion make no reference with respect to convictions for minor offenses.

(6) An attorney suspended under the provisions of this Rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed, but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney, the disposition of which shall be determined by the Court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

(c) Discipline Imposed by Other Courts.

(1) Any attorney admitted to practice before this Court shall, upon being subjected to public discipline by any other court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth

or possession of the United States, promptly inform the clerk of this Court of such action.

(2) Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that an attorney admitted to practice before this Court has been disciplined by another court, this Court shall forthwith issue a notice directed to the attorney containing:

(A) a copy of the judgment or order from the other court; and

(B) an order to show cause directing that the attorney inform this Court within thirty (30) days after service of that order upon the attorney, personally or by mail, of any claim by the attorney predicated upon the grounds set forth in (c)(2)(D) hereof that the imposition of the identical discipline by the Court would be unwarranted and the reasons therefor.

(C) In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this Court shall be deferred until such stay expires.

(D) Upon the expiration of thirty (30) days from service of the notice issued pursuant to the provisions of (c)(2) above, this Court shall impose the identical discipline unless the respondent-attorney demonstrates, or this Court finds, that upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears:

(i) that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(ii) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or

(iii) that the imposition of the same discipline by this Court would result in grave injustice; or

(iv) that the misconduct established is deemed by this Court to warrant substantially different discipline.

Where this Court determines that any of said elements exist, it shall enter such other order as it deems appropriate.

(3) In all other respects, a final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this Court.

(4) This Court may at any stage refer the matter to the Standing Committee on Discipline for selection of counsel to prosecute the disciplinary proceedings.

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GR 22.2 Suspension or Disbarment on Consent or Resignation in Other Courts.

(a) Any attorney admitted to practice before this Court who shall be suspended or disbarred on consent or resign from the bar of any other Court of the United States or the District of Columbia, or from the Bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, shall, upon the filing with this Court of a certified or exemplified copy of the judgment or order accepting such suspension or disbarment on consent or resignation, cease to be permitted to

practice before this Court and be immediately suspended or stricken from the roll of attorneys admitted to practice before this Court.

(b) Any attorney admitted to practice before this Court shall, upon being suspended or disbarred on consent or resigning from the bar of any other court of the United States or the District of Columbia, or from the Bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, promptly inform the clerk of this Court of such suspension or disbarment on consent or resignation.

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GR 22.3 Standards for Professional Conduct.

(a) For misconduct defined in these Rules, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this Court may be disbarred, suspended from practice before this Court, reprimanded or subjected to such other disciplinary action as the circumstances may warrant.

(b) Acts or omissions by an attorney admitted to practice before this Court, individually or in concert with any other person or persons, which violate the Code of Professional Responsibility or Rules of Professional Conduct adopted by this Court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. Every attorney admitted to practice before this Court shall familiarize himself or herself with and comply with the standards of professional conduct required of members of the Bar of Guam and contained in the American Bar Association Model Rules of Professional Conduct as adopted on August 2, 1983, and as thereafter amended or judicially construed.

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GR 22.4 Disciplinary Proceedings.

(a) When misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted to practice before this Court shall come to the attention of the Judge of this Court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by the Rules, the Judge shall refer the matter to the Standing Committee on Discipline for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate.

(b) Should the Committee conclude after investigation and review that a formal disciplinary proceeding should not be initiated against the respondent-attorney because sufficient evidence is not present, or because there is pending another proceeding against the respondent-attorney, the disposition of which in the judgment of the Committee should be awaited before further action by this Court is considered or for any other valid reason, the Committee shall file with the Court a recommendation for disposition of the matter, whether by dismissal, admonition, deferral, or otherwise setting forth the reasons therefor.

(c) To initiate formal disciplinary proceedings, the Committee shall submit its findings to this Court and upon a showing of probable cause the Court shall issue an order requiring the respondent-attorney to show cause within thirty (30) days after service of that order upon that attorney, personally or by mail, why the attorney should not be disciplined. The order to show cause shall include the form certification of all courts before which the respondent-attorney is admitted to practice, as specified in [Attachment "GR 22.4A"](#).

(d) Upon the respondent-attorney's answer to the order to show cause, if any issue of fact is raised or the respondent-attorney wishes to be heard in mitigation, this Court shall set the matter for prompt hearing before the Judge of this Court, provided however that if the disciplinary proceeding is predicated upon the complaint of the Judge of this Court, the hearing shall be conducted before a District Court Judge designated to hold court in the District Court of Guam or by the Chief Judge of the Court of Appeals for the Ninth Circuit. The respondent-attorney shall execute the certification of all courts before which that respondent-attorney is admitted to practice, in the form specified, and file the certification with his or her answer.

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GR 22.5 Disbarment on Consent While Under Disciplinary Investigation or Prosecution.

(a) Any attorney admitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct, may consent to disbarment, but only by delivering to this Court an affidavit stating that the attorney desires to consent to disbarment and that:

(1) the attorney's consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; and the attorney is fully aware of the implications of so consenting;

(2) the attorney is aware that there is a presently pending investigation or proceeding involving allegations that there exist grounds for the attorney's discipline, the nature of which the attorney shall specifically set forth;

(3) the attorney acknowledges that the material facts so alleged are true; and

(4) the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, the attorney could not successfully defend himself.

(b) Upon receipt of the required affidavit, this Court shall enter an order disbarring the attorney.

(c) The order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this Rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.

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GR 22.6 Reinstatement.

(a) After Disbarment or Suspension. An attorney suspended for three (3) months or less shall be automatically reinstated at the end of the period of suspension upon the filing with the Court of an affidavit of compliance with the provisions of the order. An attorney suspended for more than three (3) months or disbarred may not resume practice until reinstated by order of this Court.

(b) Time of Application Following Disbarment. A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment.

(c) Hearing on Application. Petitions for reinstatement by a disbarred or suspended attorney under this Rule shall be filed with the Judge of this Court. Upon receipt of the petition, the Judge shall promptly refer the petition to the Standing Committee on Discipline and shall assign the matter for prompt hearing before this

Court, provided however that if the disciplinary proceeding was predicated upon the complaint of the Judge of this Court, the hearing shall be conducted before a District Court Judge designated to hold court in the District Court of Guam or the Chief Judge of the Court of Appeals for the Ninth Circuit. The judge assigned to the matter shall within thirty (30) days after referral, schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice law before this Court and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest.

(d) Duty of the Standing Committee on Discipline. In all proceedings upon a petition for reinstatement, the petition shall be referred to the Standing Committee for investigation and recommendation. If it is determined by the Committee that the petition should be opposed, the Committee shall select one of its members to serve as counsel who shall be responsible for the cross-examination of the witnesses of the respondent-attorney and the submission of evidence, if any, in opposition to the petition.

(e) Deposit of Costs of Proceeding. Petitions for reinstatement under this Rule shall be accompanied by an advance cost deposit in an amount to be set from time to time by the Court to cover anticipated costs of the reinstatement proceeding.

(f) Conditions of Reinstatement. If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate him, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings, and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment. Provided further, that if the petitioner has been suspended or disbarred for five years or more, reinstatement may be conditioned, in the discretion of the judge before whom the matter is heard, upon the furnishing of proof of competency and learning in the law, which proof may include certification by the bar examiners of a state or other jurisdiction of the attorney's successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

(g) Successive Petitions. No petition for reinstatement under this Rule shall be filed within one year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

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GR 22.7 Attorneys Specially Admitted.

Whenever an attorney applies to be admitted or is admitted to this Court for purposes of a particular proceeding (pro hac vice), the attorney shall be deemed thereby to have conferred disciplinary jurisdiction upon this Court for any alleged misconduct of that attorney arising in the course of or in the preparation for such proceeding.

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GR 22.8 Service of Papers and Other Notices.

Service of an order to show cause instituting a formal disciplinary proceeding shall be made by personal service or by registered or certified mail addressed to the respondent-attorney at the address shown in the

most recent registration statement filed pursuant to General Rule 17.1 hereof. Service of any other papers or notices required by these Rules shall be deemed to have been made if such paper or notice is addressed to the respondent-attorney at the address shown on the most recent registration statement filed pursuant to General Rule 17.1 hereof; or to counsel or the respondent's attorney at the address indicated in the most recent pleading or other document filed by them in the course of any proceeding.

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GR 22.9 Appointment of Counsel.

Whenever counsel is to be appointed pursuant to these Rules to investigate allegations of misconduct or prosecute disciplinary proceedings or in conjunction with a reinstatement petition filed by a disciplined attorney, the Court shall notify the Standing Committee on Discipline to appoint as counsel one of its members. If all members of such disciplinary committee decline appointment, or such appointment is clearly inappropriate, this Court shall appoint as counsel one or more members of the Bar of this Court to investigate allegations of misconduct or to prosecute disciplinary proceedings under this Rule, provided, however, that the respondent-attorney may move to disqualify an attorney so appointed upon a showing of good cause. Counsel, once appointed, may not resign unless permission to do so is given by this Court.

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GR 22.10 Periodic Assessment of Attorneys; Registration Statements.

An attorney admitted to practice before this Court shall immediately notify the clerk of this Court of all additional courts such attorney is admitted to practice before and the respective dates of admission to those courts.

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(See [Attachment "GR 17.1A"](#) entitled "Attorney Registration Statement.") (Additional Registration Statements shall be supplied by the clerk upon request.)

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GR 22.11 Payment of Fees and Costs.

The Court will make whatever order it deems necessary for the payment of fees and costs incurred in the course of a disciplinary investigation or prosecution.

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GR 22.12 Duties of the Clerk.

(a) Upon being informed that an attorney admitted to practice before this Court has been convicted of any crime, the clerk of this Court shall determine whether the Clerk of the Court in which such conviction occurred has forwarded a certificate of such conviction to this Court. If a certificate has not been so forwarded, the clerk of this Court shall promptly obtain a certificate and file it with this Court.

(b) Upon being informed that an attorney admitted to practice before this Court has been subjected to

discipline by another court, the clerk of this Court shall determine whether a certified or exemplified copy of the disciplinary judgment or order has been filed with this Court, and, if not, the clerk shall promptly obtain a certified or exemplified copy of the disciplinary judgment or order and file it with this Court.

(c) Whenever it appears that any person convicted of any crime or disbarred or suspended or censured, or suspended or disbarred on consent, by this Court is admitted to practice law in any other jurisdiction or before any other court, the clerk of this Court shall, within ten (10) days of that conviction, disbarment, suspension, censure, or suspension or disbarment on consent, transmit to the disciplinary authority in such other jurisdiction, or for such other court, a certificate of the conviction or a certified exemplified copy of the judgment or order of disbarment, suspension, censure, or suspension or disbarment on consent, as well as the last known office and residence addresses of the defendant or respondent.

(d) The clerk of this Court shall, likewise, promptly notify the National Discipline Data Bank operated by the American Bar Association of any order imposing public discipline upon any attorney admitted to practice before this Court.

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GR 22.13**Jurisdiction.**

Nothing contained in this Disciplinary Enforcement Rule shall be construed to deny to this Court such powers as are necessary for the Court to maintain control over proceedings conducted before it, such as proceedings for contempt under Title 18 of the United States Code or under Rule 42 of the Federal Rules of Criminal Procedure.

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GR 22.14 **Confidentiality.**

Any investigation or proceeding in accordance with this Local Rule shall not be public unless otherwise ordered by the Court or unless and until a disbarment, suspension or public reproof has been administered. However, any member against whom such charges are filed shall have a right to a public trial if he or she so requests.

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ATTACHMENT "GR 17.1A"

DISTRICT COURT OF GUAM

TERRITORY OF GUAM

ATTORNEY REGISTRATION STATEMENT

I, , am a member of the bar of this Court.

I have been admitted to practice before the following State, Territorial and Federal courts, in the years shown below:

Executed on , 19 .

(Signature)

(Full name - typed or printed)

(Address of Record)

[ATTACHMENT "GR 22.4B"](#)

DISTRICT COURT OF GUAM

TERRITORY OF GUAM

In re _____) Disciplinary No. _____

)

) DECLARATION OF

) ADMISSION TO PRACTICE

_____)

I, _____, am the attorney who has been served with an order to show cause why disciplinary action should not be taken in the above-captioned matter.

I am a member of the bar of this Court.

I have been admitted to practice before the following State, Territorial and Federal courts, in the years, and under the license record numbers shown below:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 19 ____.

(Signature)

(Full Name - typed or printed)

(Address of Record)

This declaration must be signed and delivered to the court with the attorney's answer to the order to show cause or any waiver of an answer. Failure to return this declaration may subject an attorney to further disciplinary action. Under 28 U.S.C. §1746, this declaration under penalty of perjury has the same force and effect as a sworn declaration made under oath.

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